

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JOHN DOE and JANE DOE,

No. 2:22-cv-01841 WBS CKD

Plaintiffs,

v.

ANTONY J. BLINKEN, in his official capacity as U.S. Secretary of State; JULIE M. STUFFT, in her official capacity as Acting Deputy Assistant Secretary and Managing Director for Visa Services, Bureau of Consular Affairs; JONATHAN K. WEBSTER, in his official capacity as Consul General of the U.S. Embassy Abu Dhabi; and UR MENDOZA JADDOU, in her official capacity as Director of USCIS,

ORDER RE: PLAINTIFFS' MOTION
TO PROCEED UNDER PSEUDONYM
AND REQUEST TO SEAL

Defendants.

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This mandamus action seeks to compel defendants to issue a decision on plaintiff Jane Doe's derivative asylum application. Plaintiffs now move unopposed to proceed under

1 pseudonyms and request to seal a document inadvertently filed
2 with an unredacted name. (Docket Nos. 2, 7.)

3 Rule 10(a) provides that "the complaint must name all
4 the parties." Fed. R. Civ. P. 10(a). "The normal presumption in
5 litigation is that parties must use their real names." Doe v.
6 Kamehameha Sch./Bernice Pauahi Bishop Estate, 596 F.3d 1036, 1042
7 (9th Cir. 2010). However, a party may proceed under pseudonym
8 "in special circumstances when the party's need for anonymity
9 outweighs prejudice to the opposing party and the public's
10 interest in knowing the party's identity," including when
11 necessary to "'protect a person from harassment, injury, ridicule
12 or personal embarrassment.'" Does I thru XXIII v. Advanced
13 Textile Corp., 214 F.3d 1058, 1067-68 (9th Cir. 2000) (quoting
14 United States v. Doe, 655 F.2d 920, 922 n.1 (9th Cir. 1981)); see
15 also United States v. Stoterau, 524 F.3d 988, 1012 (9th Cir.
16 2008).

17 Plaintiffs argue that it is necessary to proceed under
18 pseudonyms because Jane Doe and their families face a risk of
19 religious persecution in Iran if their real names are used.
20 (Def.'s Mem. (Docket No. 2-1) at 2.) Plaintiff John Doe is a
21 lawful permanent resident of the United States. (Decl. of John
22 Doe ("Doe Decl.") (Docket No. 2-2) ¶ 1.) He is a native of Iran
23 who converted to Christianity and was granted asylum in 2016 due
24 to a risk of religious persecution if he returned to Iran. (Id.
25 ¶¶ 1, 7, 9-10.) However, plaintiff Jane Doe, John Doe's wife,
26 currently resides in Iran because her derivative asylum
27 application is pending. (Id. ¶ 2.) Plaintiffs "are very
28 secretive" about John Doe's religious conversion and asylum,

1 "even to [their] family members because of the consequences to
2 [Jane Doe]." (Id. ¶ 21.) It is "illegal in Iran for a Muslim
3 woman to be married to a non-Muslim man." (Id. ¶ 20.) As such,
4 if Jane Doe's family were to learn of her husband's religious
5 conversion, she would "very likely . . . be forced to divorce
6 [him] under Iranian Law." (Id. ¶ 23.) Further, if the Iranian
7 government were to learn of John Doe's conversion, his wife and
8 both plaintiffs' families residing in Iran would be at risk of
9 religious persecution, including "house raids, physical violence,
10 harassment, and arrests." (Id. ¶ 24.)

11 The court finds that the risk of religious persecution
12 to Jane Doe in Iran, outweighs the public's interest in knowing
13 the parties' identities. See Does I thru XXIII, 214 F.3d at
14 1067-68. Plaintiffs' fear of persecution is reasonable based on
15 their membership in a vulnerable religious minority and the
16 severity of the potential harm, which includes possible
17 harassment and physical violence. See Advanced Textile Corp.,
18 214 F.3d at 1069 (The court "conclude[s], based on the extreme
19 nature of the retaliation threatened against plaintiffs coupled
20 with their highly vulnerable status, that plaintiffs reasonably
21 fear severe retaliation, and that this fear outweighs the
22 interests in favor of open judicial proceedings.")

23 The government has found this threat of persecution to
24 be credible, as it granted John Doe asylum. (See Doe Decl. ¶¶ 9-
25 10.) The risk to plaintiffs' family members living in Iran also
26 weighs in favor of granting plaintiffs' request. See id. at 1070
27 (finding that district court abused discretion in denying motion
28 to proceed under pseudonym where plaintiffs feared reprisal

1 against family members living in China).

2 Plaintiffs have expressed willingness to disclose their
3 true identities to the court and opposing counsel under seal, and
4 do not otherwise request that court filings be sealed. (See
5 Def.'s Mem. at 2.) Party anonymity therefore will "not
6 significantly obstruct the public's view of issues . . . or the
7 court's performance in resolving them.'" Doe v. Ayers, 789 F.3d
8 944, 946 (9th Cir. 2015) (quoting Advanced Textile Corp., 214
9 F.3d at 1068) (alterations adopted). There also does not appear
10 to be any risk of prejudice to the defendants, who have not
11 opposed the motion and would be privy to plaintiffs' true
12 identities.

13 In light of the foregoing, "[n]o factors weigh against
14 concealing plaintiffs' identities." See Advanced Textile Corp.,
15 214 F.3d at 1069. See also Doe v. Risch, 398 F. Supp. 3d 647,
16 647 (N.D. Cal. 2019) (noting that the court had previously
17 granted permission to proceed under pseudonyms for Christians and
18 other religious minorities from Iran); Jane Doe 1 v. Nielsen, 357
19 F. Supp. 3d 972, 980 (N.D. Cal. 2018) (same); Doe v. Dordoni, 806
20 F. App'x 417, 418 (6th Cir. 2020) (noting that the district court
21 allowed Christian plaintiff from Saudi Arabia to proceed under
22 pseudonym due to fear of religious persecution). Accordingly,
23 plaintiffs' motion will be granted.

24 IT IS THEREFORE ORDERED that plaintiffs' motion for
25 leave to proceed under pseudonym (Docket No. 2) and request to
26 seal (Docket No. 7) be, and the same hereby are, GRANTED.
27 Pursuant to Local Rule 141, the unredacted Exhibit B (Docket No.
28 1-2) shall be SEALED until further order of this Court.

1 Dated: November 17, 2022


2 WILLIAM B. SHUBB
3 UNITED STATES DISTRICT JUDGE

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